

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 03-cv-12355

Thomas Buffonge

v.

Prudential Insurance Company, et al

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/17/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 22, 2005.

Tony Anastas, Clerk of Court

By:

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: 3/22/05.

D. Barchas
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:03-cv-12355-NMG**

Buffonge v. Prudential Insurance Company
et al

Assigned to: Judge Nathaniel M. Gorton
Cause: 29:1145 E.R.I.S.A.

Date Filed: 11/21/2003
Jury Demand: None
Nature of Suit: 791 Labor:
E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff

Thomas Buffonge

represented by **Mitchell J. Notis**
Annenberg & Levine, LLC
370 Washington Street
Brookline, MA 02446
617-566-2700
Fax: 617-566-6144
Email: mitchnotis@aol.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

V.

Defendant

**Prudential Insurance
Company**

represented by **Carey Louise Bertrand**
Wilson, Elser, Moskowitz,
Edelman & Dicker
155 Federal St.
Boston, MA 02110
617-422-5300
Fax: 617-423-6917
Email:
bertrandc@wemed.com

*ATTORNEY TO BE
NOTICED*

Defendant

Getronics Wang Co., LLC represented by **Carey Louise Bertrand**
(See above for address)
*ATTORNEY TO BE
NOTICED*

Date Filed	#	Docket Text
11/21/2003	•1	COMPLAINT against Getronics Wang Co., LLC, Prudential Insurance Company Filing fee: \$ 150, receipt number 51941, filed by Thomas Buffonge. (Tebo, Susan) (Entered: 11/24/2003)
11/21/2003	•	Summons Issued as to Getronics Wang Co., LLC, Prudential Insurance Company. (Tebo, Susan) (Entered: 11/24/2003)
11/21/2003	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Tebo, Susan) (Entered: 11/24/2003)
03/03/2004	•2	MOTION for Extension of Time to April 19, 2004 to Complete Service of Process filed by Thomas Buffonge.(Tebo, Susan) (Entered: 03/03/2004)
03/09/2004	•	Judge Reginald C. Lindsay : Electronic ORDER entered granting 2 Motion for Extension of Time to 4/19/04 to Complete Service of Process (Hourihan, Lisa) (Entered: 03/10/2004)
04/14/2004	•3	SUMMONS Returned Executed Getronics Wang Co., LLC served on 4/6/2004, answer due 4/26/2004. (Stanhope, Don) (Entered: 04/15/2004)
04/14/2004	•4	SUMMONS Returned Executed Prudential Insurance

		Company served on 4/6/2004, answer due 4/26/2004. (Stanhope, Don) (Entered: 04/15/2004)
04/23/2004	•5	DEFENDANTS' ANSWER to Complaint of PLAINTIFF by Prudential Insurance Company. (Bertrand, Carey) (Entered: 04/23/2004)
04/23/2004	•6	DEFENDANTS' ANSWER to Complaint of PLAINTIFF by Getronics Wang Co., LLC.(Bertrand, Carey) (Entered: 04/23/2004)
04/23/2004	•7	MOTION to Strike PLAINTIFF'S JURY CLAIM by Getronics Wang Co., LLC, Prudential Insurance Company. (Attachments: # (1) Supplement DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO STRIKE JURY CLAIM)(Bertrand, Carey) (Entered: 04/23/2004)
04/23/2004	•9	Defendant's MEMORANDUM in Support <u>7</u> MOTION to Strike PLAINTIFF'S JURY CLAIM filed by Getronics Wang Co., LLC, Prudential Insurance Company. (Stanhope, Don) (Entered: 04/28/2004)
04/28/2004	•8	NOTICE of Scheduling Conference Scheduling Conference set for 6/2/2004 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 04/28/2004)
04/28/2004	•	Notice of correction to docket made by Court staff. Correction: document #7 Motion to Strike corrected because: Support Memorandum filed with Document #7, when it should have been separate entry, new entry docketed by court staff for Support Memorandum which is now Document #9. (Stanhope, Don) (Entered: 04/28/2004)
04/30/2004	•10	CORPORATE DISCLOSURE STATEMENT by Getronics Wang Co., LLC. (Stanhope, Don) (Entered: 05/05/2004)
04/30/2004	•11	CORPORATE DISCLOSURE STATEMENT by

		Prudential Insurance Company. (Stanhope, Don) (Entered: 05/05/2004)
05/07/2004	•12	Plaintiff's STATEMENT of No Opposition to Motion to Strike Jury Claim (Stanhope, Don) (Entered: 05/10/2004)
05/14/2004	•	Judge Reginald C. Lindsay : Electronic ORDER entered granting 7 Motion to Strike (Stanhope, Don) (Entered: 05/17/2004)
05/27/2004	•13	CERTIFICATION pursuant to Local Rule 16.1 by Prudential Insurance Company.(Stanhope, Don) (Entered: 05/28/2004)
05/27/2004	•14	CERTIFICATION pursuant to Local Rule 16.1 by Getronics Wang Co., LLC.(Stanhope, Don) (Entered: 05/28/2004)
05/27/2004	•15	JOINT STATEMENT Pursuant To Local Rule 16.1 (Stanhope, Don) (Entered: 05/28/2004)
06/02/2004	•	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Scheduling Conference held on 6/2/2004. Automatic disclosure due by 7/6/04. By 8/27/04 the plaintiff is to file a statement that the administrative record is in order or file a motion for discovery. If no motion for discovery is filed, motions for summary judgment to be filed by 10/20/04. Defendant to file their motion for summary judgment; plaintiff to file their opposition and memorandum in support of their motion for summary judgment in one document. Defendants may file a reply without leave of court. If motion for discovery is filed, counsel to attach a proposed discovery schedule. Motions due by 10/20/2004. (Court Reporter None Present.) (Hourihan, Lisa) (Entered: 06/03/2004)
06/24/2004	•16	Notice of Reassignment. Judge Nathaniel M. Gorton added. Judge Reginald C. Lindsay no longer assigned to case. Counsel are directed to the Court's Standing

		Orders re: Electronic Case Filing. (Stanhope, Don) (Entered: 06/28/2004)
06/28/2004	•17	Document disclosure by Getronics Wang Co., LLC, Prudential Insurance Company.(Bertrand, Carey) (Entered: 06/28/2004)
08/26/2004	•18	STATEMENT OF COUNSEL regarding the Administrative Record of Michael J. Notis by Thomas Buffonge. (Smith3, Dianne) (Entered: 08/30/2004)
09/28/2004	•19	Administrative Record for Judicial Review (Stanhope, Don) (Entered: 09/29/2004)
10/20/2004	•20	MOTION for Summary Judgment <i>on the Record</i> by Getronics Wang Co., LLC, Prudential Insurance Company.(Bertrand, Carey) (Entered: 10/20/2004)
10/20/2004	•21	MEMORANDUM in Support re <u>20</u> MOTION for Summary Judgment <i>on the Record</i> filed by Getronics Wang Co., LLC, Prudential Insurance Company. (Bertrand, Carey) (Entered: 10/20/2004)
10/20/2004	•22	STATEMENT of facts re <u>20</u> MOTION for Summary Judgment <i>on the Record</i> . (Bertrand, Carey) (Entered: 10/20/2004)
10/25/2004	•23	ASSENTED TO MOTION for Extension of Time to 12/3/04 to respond to motion for summary judgment by Thomas Buffonge.(Nicewicz, Craig) (Entered: 10/29/2004)
10/29/2004	•	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>23</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 10/29/2004)
12/03/2004	•24	Opposition and Cross Motion re <u>20</u> MOTION for Summary Judgment <i>on the Record</i> filed by Thomas Buffonge. (Barrette, Mark) (Entered: 12/13/2004)
12/14/2004	•25	Opposition to <u>24</u> Cross- Motion for Summary Judgment. (Barrette, Mark) (Entered: 12/16/2004)

02/22/2005	•26	Judge Nathaniel M. Gorton : ORDER entered MEMORANDUM & ORDER granting <u>20</u> Motion for Summary Judgment, denying <u>24</u> Motion for Partial Summary Judgment. Case dismissed (Barrette, Mark) (Entered: 02/22/2005)
03/17/2005	•27	NOTICE OF APPEAL as to <u>26</u> Order on Motion for Summary Judgment by Thomas Buffonge. \$ 255, receipt number 62881 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/6/2005. cc/cl.(Bell, Marie) (Entered: 03/21/2005)